

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Andre L. Wilson,

Case No. 13-cv-1625

Petitioner

v.

MEMORANDUM OPINION

Bennie Kelly,

Respondent

Before me is Petitioner Andre L. Wilson's motion to alter or amend judgment under Federal Rule of Civil Procedure 59(e). (Doc. No. 16). Respondent Bennie Kelly opposes the motion. (Doc. No. 17).

"Motions to alter or amend judgment may be granted if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice." *GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999) (internal citations omitted). The rule is not designed to give an unhappy litigant an opportunity to relitigate matters already decided; nor is it a substitute for appeal. *Dana Corp. v. United States*, 764 F. Supp. 482, 488-89 (N.D. Ohio 1991); *McConocha v. Blue Cross & Blue Shield Mut. of Ohio*, 930 F. Supp. 1182, 1183 (N.D. Ohio 1996).

Petitioner has cited neither an intervening change in the law nor newly-available evidence which might serve as the basis for a change in my prior decision. Instead, Petitioner reargues, verbatim, that which he presented in his objections to Magistrate Judge James R. Knepp, II's Report and Recommendation. (*Compare* Doc. No. 16 at 2-5, *with* Doc. No. 13 at 4-8). In fact, of the six pages, four are identical to his objections which I have already considered. *Id.* Because the motion

contains no proper basis for a motion to alter or amend judgment, there is simply no issue for the court to adjudicate. *See McConocha*, 930 F. Supp. at 1183.

Petitioner's motion is merely an inadequate attempt to relitigate issues already adjudicated by copying some four pages of his original objections. Therefore, the motion to alter or amend judgment is denied. (Doc. No. 16).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge